

ORDINANCE NO. 15- 95

**AN ORDINANCE AMENDING CHAPTER 10 OF THE ROGERS CITY CODE
CONCERNING BUILDING AND BUILDING REGULATIONS; PROVIDING FOR THE
EMERGENCY CLAUSE AND FOR OTHER PURPOSES.**

WHEREAS, the language in the Rogers City Code providing for Building and Building Regulations needs to be amended to better clarify the intent of the City Council; and

WHEREAS, it is beneficial to the citizens of the City of Rogers that the Rogers City Code is clear, unambiguous, and accurately reflects state and local laws.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

Section 1: That Chapter 10 of the Code of Ordinances, City of Rogers, Arkansas, is hereby amended and shall read in its entirety as shown in the attached Exhibit "A" (attached hereto and incorporated by reference as if set out word for word herein).

Section 2: That the need to amend said City Code chapter is immediate and in order to protect the public peace, health, safety and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval.

Section 3: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 4: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED this 14th day of July, 2015.

APPROVED:

C. Greg Hines
C, GREG HINES,
Mayor

Attest:

Peggy David
PEGGY DAVID, City Clerk



Prepared by: Chris Griffin, Senior Staff Attorney

EXHIBIT A**Chapter 10 - BUILDINGS AND BUILDING REGULATIONS****FOOTNOTE(S):**

--- (1) ---

State Law reference— Authority of city to regulate construction, alteration and repair of buildings, A.C.A. § 14-56-201; contractors, A.C.A. § 17-25-101 et seq.

ARTICLE I. - IN GENERAL**Sec. 10-1. Office of Building Inspections**

- (a) The Office of Building Inspections is hereby created.
- (b) The Office of Building Inspections shall have the responsibility for the administration, enforcement, and management of the building, plumbing, electrical, mechanical, fire and life safety codes; the issuance of certificates of occupancy; related functions; and other duties and responsibilities as may be assigned by the Mayor.
- (c) All persons working within the Office of Building Inspections shall be qualified by knowledge, training, and experience to carry out their assigned duties.
- (d) The Chief Building Official shall be designated by the Mayor and will report to the Fire Chief of the Rogers Fire Department, or the Fire Chief's designee.
- (e) The Chief Building Official shall supervise all employees within the Office of Building Inspections.
- (f) The Chief Building Official shall be responsible for updating the Code as editions or revisions that are relevant to the building, plumbing, electrical, mechanical, fire and life safety codes as they are made and published.
- (g) Building Official, as used in this Code, shall be defined as: an officer, or other designated authority, charged with the administration and enforcement of the building, plumbing, electrical, mechanical, fire and life safety codes, the issuance of certificates of occupancy, related functions, and other duties and responsibilities for the City of Rogers, as may be assigned by the Mayor or Fire Chief.

(Code 1982, §§ 2-271, 2-272; Code 1997, § 18-1)

Sec. 10-2. - Numbering of buildings.

- (a) Each property containing a principal building, structure or residence within the corporate limits of the city shall bear numerals indicating the street number for each principal building, structure, or residence visible from the street upon which the property fronts. The numerals shall be posted in such a manner as to be visible from a distance of not less than 100 feet.
- (b) It shall be the duty of the owner of each principal building, structure, or residence to post numerals indicating the street number on his property.
- (c) Noncompliance with section 10-2 is a violation of the City Code.

(Code 1982, § 47-1; Code 1997, § 18-2)

Sec. 10-3. - Precedence of city's regulations.

In the event of a conflict between the provisions contained in the various technical codes adopted and incorporated by reference into this Code and the policies, resolutions, and ordinances adopted by the city, the policies, resolutions, and ordinances shall take precedence and govern over the provisions contained in the technical codes.

(Code 1982, § 47-3; Code 1997, § 18-4)

Sec. 10-4. – Duties of the Office of Building Inspections

The Chief Building Official or his designees shall:

- (a) Inspect all building, electrical, and plumbing construction within the city and determine that the workmanship and materials are in accordance with the provisions of this Code. These duties shall not extend to inspection of electrical wiring on the streets and alleys of the city.
- (b) Perform such other services in connection with such inspections as the city council, Mayor, or Fire Chief may from time to time prescribe.
- (c) The Office of Building Inspections shall have the responsibility for the administration, enforcement and management of the building, plumbing, electrical, mechanical, fire and life safety codes; the issuance of certificates of occupancy; related functions; and other duties and responsibilities as may be assigned by the Mayor. (Code 1982, § 47-20; Code 1997, § 18-6)

State law reference— City may provide that no house or structure shall be erected except upon a permit issued by an officer to be designated by the city council, A.C.A. § 14-56-202.

Secs. 10-6—10-30. - Reserved.

ARTICLE II. - BUILDING CODE

Sec. 10-31. - Building Code adopted.

There is hereby adopted by reference, as fully as though set out herein verbatim, that certain published code known as the International Building Code, 2012 Edition, complete with appendices B, C, D, E, F, G, H, I, and K, including any accumulative supplements, also including state reference codes and/or standards as and when adopted and approved by the Arkansas State Fire Marshal, three copies of which are on file in the office of the Rogers City Clerk.

(Code 1982, § 47-36; Code 1997, § 18-31; Ord. No. 98-19, § 1, 4-14-1998; Ord. No. 02-56, § 1(a), 7-23-2002; Ord. No. 02-47, § 1, 8-27-2002; Ord. No. 08-105, § 1, 8-26-2008; Ord. No. 14-14, § 1, 3-25-2014; Ord. No. 15-07, § 1, 1-13-2015)

Editor's note— Ord. No. 14-14, § 1, adopted March 25, 2014, set out provisions amending § 18-31. To maintain the current section numbering of this Code, and at the editor's discretion, these provisions have been included as § 10-31.

State Law reference— Power of city to adopt technical codes by reference, A.C.A. § 14-55-207.

Sec. 10-32. - Residential Code adopted.

There is hereby adopted by reference, as fully as though set out herein verbatim, that certain published code known as the International Residential Code, 2012 Edition, complete with appendices D, E, H, J, K, and M, including any accumulative supplements, also including state reference codes and/or standards as and when adopted and approved by the Arkansas State Fire Marshal, three copies of which are on file in the office of the Rogers City Clerk.

(Code 1997, § 18-31.5; Ord. No. 98-19, § 1, 4-14-1998; Ord. No. 02-47, § 1(b), 7-23-2002; Ord. No. 08-104, § 1, 8-26-2008; Ord. No. 14-15, § 1, 3-25-2014; Ord. No. 15-08, § 1, 1-13-2015)

Editor's note— Ord. No. 14-15, § 1, adopted March 25, 2014, set out provisions amending § 18-31.5. To maintain the current section numbering of this Code, and at the editor's discretion, these provisions have been included as § 10-32.

State Law reference— Power of city to adopt technical codes by reference, A.C.A. § 14-55-207.

Sec. 10-33. - When building permit not required.

An owner, authorized agent, or contractor is not required to obtain a building permit for buildings which are less than 150 square feet in area and which are not constructed on or attached to a permanent foundation, whether on-site construction or preassembled, provided the building is not intended for use as habitable space.

(Code 1982, § 47-39.1; Code 1997, § 18-36)

Sec. 10-34. - Fire District established.

(a) As referenced, and fully set out that certain published code known as the International Building Code, as adopted in Sec. 10-31, there is hereby established a Fire District, and such District shall consist of all areas within the city which are currently zoned or which may in the future be zoned as:

- (1) Industrial (I-1).
- (2) Warehouses (W-0).
- (3) Commercial (C-1) and/ or Core Mixed Use (COR)

(b) All definitions and requirements for the Fire District shall be the same as that certain published code known as the International Building Code, as referenced in Sec. 10-31.

(Code 1982, § 47-40; Code 1997, § 18-38)

Sec. 10-35. - Moving of buildings.

- (a) *Relocation within or into city.* No building or structure, as defined in certain published code known as the International Building Code, as adopted in Sec. 10-31, except and excluding only new manufactured buildings and new modular type buildings, shall be moved from the lot on which it is standing in the city and relocated on another lot within the city, and no building or structure shall be moved from outside the city and relocated within the city.
- (b) *Moving out of city.* Buildings and structures may be removed from within the city to points outside the city upon obtaining a moving permit and paying the fee therefor.
- (c) *Schedule of moving.* Every mover shall arrange for a schedule of moving, as to time, date and route to be followed, with the fire department and the police department, before any building or structure is moved. No building or structure exceeding 18 feet in height when loaded for moving shall be moved within, into or from the city, and advance notice shall be given to all utility companies that may have power or telephone lines along the route for moving any building or structure.
- (d)

Exceptions. This section shall not apply to buildings which are historical in character or nature. For the purposes of this section, a building shall be deemed historical if it is at least 100 years old, and a permit to move said structure shall be issued as a matter of right. If the structure in question is less than 100 years old, its designation as historical shall be determined by the city planning commission and the decision to allow a moving permit shall be made by them; provided, however, that the decision shall be appealable to the city council, and their decision shall be final.

(Code 1982, §§ 47-41—47-44; Code 1997, § 18-39; Ord. No. 08-58, § 1, 5-13-2008)

Sec. 10-36. - Fire partitions.

(a)

Buildings that are constructed greater than two feet and eleven and fifteen sixteenths inches (2 feet 11 and 15/16 inches) from a property line but less than ten feet (10 feet) from a property line or assumed property line, shall have their ends protected by a fire partition extending from the floor (if on slab) or from the foundation walls (if on a crawl space) to the bottom side of the roof deck. Fire partitions shall be made of OSB, plywood, brick, block, sheetrock or other materials approved by the Chief Building Official, or his designee. Approved materials may be applied to the inside or outside of framing.

(b)

The term "fire partition" shall be defined as a vertical or horizontal assembly of materials designed to restrict the spread of fire in which openings are protected. Windows and doors not exceeding 25 percent of total square footage and below ceiling level of said wall shall not be required to be protected.

(Code 1997, § 18-43; Ord. No. 04-38, §§ 1, 2, 4-13-2004)

Sec. 10-37. - Fire-rated exterior walls, residential; required.

(a)

Those buildings with a separation of zero to ten feet shall be one hour fire-rated with no openings. Buildings with a separation greater than ten and less than 15 feet shall be one hour fire-rated with no more than ten percent openings of the total wall space. Building with a separation of 15 to 30 feet shall have a fire partition as defined in section 10-36.

(b)

Exception. When the entire building has an approved 13R sprinkler system then only walls less than three feet from a property line will be required to comply with Sec. No. R302 of the Arkansas Fire Code Vol. III.

(Code 1997, § 18-44; Ord. No. 05-34, § 1, 2-22-2005)

Secs. 10-38—10-61. - Reserved.

ARTICLE III. - ELECTRICITY

FOOTNOTE(S):

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State Law reference— Electricians, A.C.A. § 17-28-101 et seq.; jurisdiction of cities over utilities, A.C.A. § 14-200-101 et seq.; Arkansas Electrical Code Authority Act, A.C.A. § 20-31-101 et seq.

DIVISION 1. - GENERALLY

Sec. 10-62. - Definitions.

The definitions in A.C.A. § 17-25-101 shall apply to this article.

(Code 1982, § 47-101; Code 1997, § 18-101)

Sec. 10-63. - Exemptions.

The provisions of this article shall not apply to any electric light or power company, or its agents, servants and employees, conducting its business under a franchise granted by the city, in the installation, repair or maintenance, removal or replacement of electrical wiring, machinery or equipment owned and operated by the electric light or power company within the city.

(Code 1982, § 47-102; Code 1997, § 18-102)

Sec. 10-64. - Compliance.

It shall be a violation of this code for any person to engage in the business of electrical wiring within the city except under the provisions of this article.

(Code 1982, § 47-103; Code 1997, § 18-103)

Sec. 10-65. - Electrical inspector designated.

- (a) The Chief Building Official shall be ex officio electrical inspector.
- (b) The Chief Building Official may designate duties of this section to employees of the Office of Building Inspections as he or she deems fit or necessary.

(Code 1982, § 47-117; Code 1997, § 18-104)

Sec. 10-66. - Enforcement.

The electrical inspector/Chief Building Official, and/or his designees, shall be responsible for the enforcement of the provisions of the electrical code adopted by reference in section 10-105 and the provisions of Article III of this Chapter 10 of this City Code.

(Code 1982, § 47-118; Code 1997, § 18-105)

Sec. 10-67. - Permit required.

Before commencing any electrical work within the city, the person performing the work shall obtain an electrical permit from the Office of Building Inspections. Any person who commences any work on an electrical system before obtaining the necessary permits shall be subject to 200 percent of the usual permit fee in addition to the required permit fee.

(Code 1982, § 47-119; Code 1997, § 18-106)

Sec. 10-68. - Inspection fees.

The fee to be paid to the Office of Building Inspections at the time of application for permit and inspections under this article shall be in accordance with the fee schedule as currently established or as hereafter adopted by resolution of the city council from time to time.

(Code 1982, § 47-119.1; Code 1997, § 18-107)

Sec. 10-69. - Inspection before supplying current.

Before installing a meter or furnishing electric current, any person supplying electric current within the city shall ensure that the meter or electric current has been inspected and approved by an electrical contractor or property owner with a current certificate of inspection for the premises, signed by the electrical inspector.

(Code 1982, § 47-121; Code 1997, § 18-109)

Sec. 10-70. - Supplemental regulations.

Notwithstanding any provision contained in the National Electrical Code to the contrary, the following provisions shall apply in the city:

- (1)
The use of type NM, NMC, NMS, BX cable shall be limited to one- and two-family residential dwellings only.
- (2)
The use of ENT is prohibited unless approved by the building official.
- (3)
The use of flexible cords in buildings other than one- and two-family residential dwellings shall be approved by the building official (i.e., S.O., S.J., S.J.O.).
- (4)
The use of NM, NMC, NMS and BX cable in apartments shall be allowed with approval by the building official.

(Code 1982, § 47-122; Code 1997, § 18-110; Ord. No. 03-62, § 1, 8-12-2003)

Secs. 10-71—10-104. - Reserved.

DIVISION 2. - ELECTRICAL CODE

Sec. 10-105. - Adopted.

There is hereby adopted by reference as fully as though set out word-for-word verbatim that certain published technical code known as the National Electrical Code, as adopted and published by the National Fire Protection Association and as adopted in Sections 10-31 and 10-32 of this Code. Three copies of which are now and have been prior to the adoption of the ordinance from which this section is derived on file in the office of the city clerk, the availability of such code for inspection by the public having been published in a newspaper of general circulation within the city.

(Code 1982, § 47-116; Code 1997, § 18-126; Ord. No. 96-67, § 1, 11-12-1996; Ord. No. 00-41, § 3, 6-13-2000; Ord. No. 01-78, § 1, 12-11-2001; Ord. No. 06-01, § 1, 1-10-2006)

State law reference— Power of city to adopt technical codes by reference, A.C.A. § 14-55-207.

Secs. 10-106—10-123. - Reserved.

DIVISION 3. - ELECTRICIANS**Sec. 10-124. - License.**

- (a) No person shall engage in the occupation of electrical contractor, electrician or journeyman electrician as defined in A.C.A. § 17-28-101 within the city unless he shall possess a current valid state license as an electrical contractor, master electrician or journeyman electrician and shall have complied with all other provisions of state law regulating electrical contractors and electricians.
- (b) Non-compliance with this section is a violation of City Code.

(Code 1982, § 47-144; Code 1997, § 18-171)

Secs. 10-125—10-160. - Reserved.**ARTICLE IV. - MECHANICAL CODE****Sec. 10-161. - Adopted.**

The following codes are hereby adopted by reference as if set out word for word herein with attached amendments:

- (1) The Arkansas Mechanical Code, as adopted in Sections 10-31 and 10-32 of this Code, and to include all references and appendix A, with amendments to section 504.4 as set out in subsection (2) of this section.
- (2) Section 504.4 Exhaust installation. Dryer exhaust ducts for clothes dryers shall terminate on the outside of the building no less than ten feet from any condenser, and exit the building above finish grade and shall be equipped with a back draft damper. Screens shall not be installed at duct terminations. Ducts shall not be connected or installed with sheet metal screws or other fasteners that will obstruct the exhaust flow. Clothes dryer exhaust ducts shall not be connected to a vent connector, vent or chimney. Clothes dryer exhaust ducts shall not extend into or through ducts or plenums.

(Code 1997, § 18-196; Ord. No. 04-04, § 1, 1-27-2004)

Sec. 10-162. - Fee schedule.

The fee schedule for inspections pursuant to the mechanical code is as currently established or as hereafter adopted by resolution of the city council from time to time. Any person who commences any work without obtaining the necessary permits shall be subject to 200 percent of the usual permit fee in addition to the required permit fee.

(Code 1982, § 47-172; Code 1997, § 18-197)

Secs. 10-163- Inspection fees.

The fee to be paid to the Office of Building Inspections at the time of application for permit and inspections under this article shall be in accordance with the fee schedule as currently established or as hereafter adopted by resolution of the city council from time to time.

Sec. 10-164 - License.

- (a) No person shall engage in the design, installation, construction, maintenance, service, repair, alteration, or modifications of any HVACR system or any portion of an HVACR system, as defined in A.C.A. § 17-33-301 et seq. within the city, unless he shall possess a current and valid state license to perform such work and shall have complied with all other provisions of state law regulating Heating, Ventilation, Air Conditioning, and Refrigeration Workers.

- (b) Non-compliance with this section is a violation of City Code.

Sec. 10-165—10-192. - Reserved

ARTICLE V. - PLUMBING CODE

DIVISION 1. - GENERALLY

Sec. 10-193. - Definitions.

The definitions in A.C.A. § 17-38-101 shall apply to this article.

(Code 1982, § 47-81; Code 1997, § 18-226)

Sec. 10-194. - Exemption.

Nothing in sections 10-195 through 10-197 shall be construed as applying to any utility company or its agents, servants, and employees conducting its business under a franchise granted by the city in the installation, repair or maintenance, removal or replacement of plumbing machinery or equipment owned and operated by the utility company in the city.

(Code 1982, § 47-82; Code 1997, § 18-227)

Sec. 10-195. - Compliance.

It shall be a violation of this Code for any person to engage in the business or work of master or journeyman plumber or to begin any job of plumbing in or about any building or location served by city-owned or franchised utilities of the city until he shall have met the requirements of sections 10-195 through 10-197 and secured a permit for the work according to the plumbing and gas codes of the city.

(Code 1982, § 47-83; Code 1997, § 18-228)

Sec. 10-196. - License.

- (a) No person shall engage in work as a master plumber, journeyman plumber, apprentice plumber and/or special license holder as defined in the State Plumbers Licensing Act codified as A.C.A. § 17-38-301 et seq. within the city, unless he shall possess a current and valid state license to perform such work and shall have complied with all other provisions of state law regulating plumbing contractors and plumbers.

- (b) Non-compliance with this section is a violation of City Code.

(Code 1982, § 47-84; Code 1997, § 18-229)

Sec. 10-197. - Collection of fees, permit required.

Every person doing plumbing in the city and franchised area is hereby made responsible for the collection of the city plumbing inspector's fees, whether such fees are to be paid by the plumbing contractor or the property owner or by any other person and before commencing any plumbing work, such persons shall procure a permit from the Office of Building Inspections.

(Code 1982, § 47-86; Code 1997, § 18-230)

State law reference— Fees for plumbing inspections, A.C.A. § 17-38-305.

Secs. 10-198—10-219. - Reserved.

DIVISION 2. - PLUMBING

FOOTNOTE(S):

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State Law reference— Natural gas distribution systems, A.C.A. § 14-205-101 et seq.; plumbers, A.C.A. § 17-38-101 et seq.; training of plumbers, A.C.A. § 6-51-401 et seq.

Sec. 10-220. - Adopted; amendments.

- (a) The Arkansas State Plumbing Code, as adopted in Sections 10-31 and 10-32 of this Code, and as published by the International Code Council for the Arkansas State Health Department to include appendices B, C, D, E, F, G, H, I, J, and K, with amendments to section 106.6.1 in subsection (b) of this section. Three copies of which are now and have been prior to the adoption of the ordinance from which this section is derived on file in the office of the city clerk, the availability of such code for inspection by the public having been published in a newspaper of general circulation within the city.
- (b) Section 106.6.1 Work commencing before permit issuance. Any person who commences any work on a plumbing system before obtaining the necessary permits shall be subject to 200 percent of the usual permit fee in addition to the required permit fee.
- (c) The use of SDR 35 polyvinyl chloride (PVC) plastic pipe shall be prohibited for the use as building drains and building sewers.

(Code 1997, § 18-251; Ord. No. 04-153, §§ 1, 2, 12-14-2004)

State law reference— Power of city to adopt technical codes by reference, A.C.A. § 14-55-207; state plumbing code, A.C.A. § 17-38-103.

Sec. 10-221. - Plumbing inspector designated.

- (a) The Chief Building Official shall be ex officio plumbing inspector.
- (b) The Chief Building Official may designate duties of this section to employees of the Office of Inspections as he deems fit or necessary.

(Code 1982, § 47-68; Code 1997, § 18-253)

Sec. 10-222. - Permit required.

No plumbing or drainage piping, gas piping or the installation or replacement of plumbing or gas appliances, fixtures, equipment or materials shall be done in any building or on any property in the city without applying for and obtaining a permit to do such work; and no plumbing or drainage piping, or the installation or replacement of any plumbing appliances, fixtures, equipment or materials, shall be done in any building or on any property outside of the city for connection with the city water system or the city sewer system, without applying for and obtaining a permit to do such work. All applications for permits shall be made to the Office of Building Inspections.

(Code 1982, § 47-69; Code 1997, § 18-254)

State law reference—Permits, A.C.A. § 17-38-204.

Sec. 10-223. - Inspection fees.

The fee to be paid to the Office of Building Inspections at the time of application for permit and inspections shall be as currently established or as hereafter adopted by resolution of the city council from time to time.

(Code 1982, § 47-70; Code 1997, § 18-255)

State law reference—Fees for plumbing inspections authorized, A.C.A. § 17-38-204.

Secs. 10-224—10-254. - Reserved.

ARTICLE VI. - TEMPORARY STRUCTURES

Sec. 10-255. - Tent and Canopy usage.

(a)

A permit will be required for the erection, operation and/or maintenance of a tent or air-supported structure covering an area in excess of 120 square feet.

(1)

Such permit shall be issued for a specific time period not to exceed 60 days. An extension of an additional period not to exceed 60 days upon reapplication and permitting may be granted. Only one such extension on the property for that use will be granted in any 12-month period.

(2)

The permit shall remain on the premises and shall be subject to inspection at all times.

(3)

The permit may be revoked should Code violations be found by inspection or otherwise.

(b)

An unobstructed passageway or fire road not less than 12 feet wide and free from guy ropes or other obstructions shall be maintained on all sides.

(c)

Exits shall be provided based on occupant capacity in accordance with the building code with a minimum of two such exits being required. Such exits shall be clearly marked, illuminated at all times, and clearly indicate the direction of travel.

(d)

All weeds, flammable vegetation and other such material shall be removed from within 35 feet of such tent or structure.

(e)

At least one No. 10 ABC fire extinguisher shall be maintained on site for each 1,000 square feet or less of floor area.

(f)

All utility services shall comply with the respective Code requirements governing such services.

(g)

A certificate shall be filed with the Office of Building Inspections executed by an acceptable testing laboratory, certifying that the tent, decorative materials and tarpaulins meet the requirements for flame resistance, and that such resistance is effective for the period specified by the permit.

(Code 1997, § 18-307; Ord. No. 00-41, § 5, 6-13-2000)

Secs. 10-256—10-277. - Reserved.

ARTICLE VII. - ENERGY CONSERVATION

Sec. 10-278. - Adopted; amendments.

There is hereby adopted by the City Council of Rogers, Arkansas, for the purposes of establishing rules and regulations for energy efficient standards for new building construction, the code known as the Arkansas Energy Code, as adopted in Sections 10-31 and 10-32 of this Code of Ordinances.

(Code 1997, § 18-308; Ord. No. 04-152, § 1, 12-14-2004; Ord. No. 10-26, § 1, 2-23-2010; Ord. No. 12-123, § 1, 11-27-2012)